ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್

1. ಮಾನ್ಯ ಸದಸ್ಯರ ಹೆಸರು : ಶ್ರೀ ಪಿ.ಆರ್.ರಮೇಶ್
2. ಚುಕ್ಕೆ ಗುರುತಿನ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ : 1415
3. ಉತ್ತರಿಸುವ ದಿನಾಂಕ : 16.03.2021
4. ಉತ್ತರಿಸುವ ಸಚಿವರು : ಮಾನ್ಯ ಸಹಕಾರ ಸಚಿವರು

ಕ್ರ. ಸಂ	ಪ್ರಶ್ನೆ	ಉತ್ತರ
(ಅ)	ಕಲಾಸಿಪಾಳ್ಯಂನಲ್ಲಿರುವ ಕುಂಬಾರ ಸಂಘದ ಹಾಸ್ಟೆಲ್ ಯಾವಾಗ ಪ್ರಾರಂಭವಾಯಿತು?	ಕಲಾಸಿಪಾಳ್ಯಂನಲ್ಲಿರುವ ಕುಂಬಾರ ಸಂಘದ ಹಾಸ್ಟೆಲ್ 1977-78 ನೇ ಸಾಲಿನಲ್ಲಿ ಪ್ರಾರಂಭವಾಗಿರುತ್ತದೆ.
(ಆ)	ಈ ನಿವೇಶನವನ್ನು ಯಾರ ಹೆಸರಿಗೆ ಹಾಗೂ ಯಾವ ಉದ್ದೇಶಕ್ಕಾಗಿ ನೀಡಲಾಗಿದೆ; ಉದ್ದೇಶಗಳು ಈಡೇರಿದೆಯೇ?	ಈ ನಿವೇಶನವನ್ನು ಕುಂಬಾರ ಸಂಘದ ಪರವಾಗಿ ಅಂದಿನ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದ ಶ್ರೀ ಬಿ.ವಿ.ರಾಮಚಂದ್ರಪ್ಪ ಇವರ ಹೆಸರಿಗೆ ಬೆಂಗಳೂರು ಸಿಟಿ ಕಾರ್ಪೋರೇಷನ್‌ನಿಂದ 2437.7 ಸ್ಕೈರ್ ಯಾರ್ಡ್ ಈ ನಿವೇಶನವು ದಿನಾಂಕ 27-03-1974 ರಲ್ಲಿ 99 ವರ್ಷಗಳ ಅವಧಿಗೆ ಲೀಸ್ ಡೀಡ್ ಮೂಲಕ ಮಂಜೂರಾಗಿರುತ್ತದೆ. ಕುಂಬಾರ ಸಂಘದ ವಿದ್ಯಾರ್ಥಿ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿನಿಯರ ಹಾಸ್ಟೆಲ್ ನಿರ್ಮಾಣಕ್ಕಾಗಿ ನಿವೇಶನವನ್ನು ನೀಡಲಾಗಿರುತ್ತದೆ. ಸದರಿ ನಿವೇಶನದಲ್ಲಿ ಕುಂಬಾರ ಸಂಘದ ವಿದ್ಯಾರ್ಥಿ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿನಿಯರ ವಸತಿಗಾಗಿ ಹಾಸ್ಟೇಲ್ ಕಟ್ಟಡವನ್ನು ನಿರ್ಮಿಸಿದ್ದರಿಂದ ಉದ್ದೇಶಗಳನ್ನು ಈಡೇರಿಸಿದಂತಾಗಿದೆ.
(ಇ)	ಸರ್ಕಾರದಿಂದ ಸಂಘಕ್ಕೆ ಈವರೆವಿಗೂ ನೀಡಿರುವ ಅನುದಾನ ಎಷ್ಟು; ಸದರಿ ಅನುದಾನವನ್ನು ಸಮರ್ಪಕವಾಗಿ ವಿನಿಯೋಗಿಸಲಾಗಿದೆಯೇ; ಇಲ್ಲದಿದ್ದಲ್ಲಿ ಕಾರಣವೇನು; ಈ ನಿಟ್ಟಿನಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವೇನು? (ವರ್ಷವಾರು ಮಾಹಿತಿ ನೀಡುವುದು)	ಈ ಸಂಘಕ್ಕೆ ಸಹಕಾರ ಇಲಾಖೆಯಿಂದ ಯಾವುದೇ ಅನುದಾನ ನೀಡಿರುವುದಿಲ್ಲ. ಅನ್ವಯಿಸುವುದಿಲ್ಲ.
(ಈ)	ಸರ್ಕಾರದಿಂದ ಈ ಸಂಘಕ್ಕೆ ಯಾವ ಯಾವ ಸೌಕರ್ಯ/ಸವಲತ್ತುಗಳನ್ನು ನೀಡಲಾಗಿದೆ?	ಸಹಕಾರ ಇಲಾಖೆಯಿಂದ ಸಂಘಕ್ಕೆ ಯಾವುದೇ ಸೌಕರ್ಯ/ಸವಲತ್ತುಗಳನ್ನು ನೀಡಿರುವುದಿಲ್ಲ.
(ಉ)	ಸಂಘದ ಚುನಾವಣೆಯನ್ನು ನಿಗಧಿತ ಅವಧಿಯಂತೆ ನಡೆಸದಿರುವ ಬಗ್ಗೆ, ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹೂಡಿರುವ ದಾವೆ ಬಗ್ಗೆ, ಸರ್ಕಾರ ಕೈಗೊಂಡಿರುವ ಕ್ರಮವೇನು?	ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಗೆ ದಿನಾಂಕ:05-03-2017 ರಂದು ಜರುಗಿದ ಚುನಾವಣೆಯನ್ನು ಅಸಿಂಧುಗೊಳಿಸಲು ಸಂಘದ ಸದಸ್ಯರಾದ ಶ್ರೀನಿವಾಸ ಮತ್ತು ಇತರರು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 12131/2019 ನ್ನು ದಾಖಲಿಸಿದ್ದು, ಸದರಿ ರಿಟ್ ಅರ್ಜಿಯನ್ನು ಇತ್ಯರ್ಥಗೊಳಿಸಿದ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಚುನಾವಣೆ ಜರುಗಿಸಿರುವುದು ಅಸಿಂಧು ಎಂದು 03 ತಿಂಗಳೊಳಗಾಗಿ ಸಂಘಕ್ಕೆ ಚುನಾವಣೆಯನ್ನು ಜರುಗಿಸುವಂತೆ, ಸಹಕಾರ ಸಂಘಗಳ ಉಪ ನಿಬಂಧಕರು, 2ನೇ ವಲಯ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ರವರಿಗೆ ದಿನಾಂಕ: 11-03-2020 ರಂದು ನಿರ್ದೇಶಿಸಿರುತ್ತದೆ. ಸದರಿ ಆದೇಶವನ್ನು ಪ್ರಶ್ನಿಸಿ ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಯವರು ರಿಟ್ ಅಪೀಲು ಸಂ.286/2020 ನ್ನು ದಾಖಲಿಸಿದ್ದು, ರಿಟ್ ಅಪೀಲಿನಲ್ಲಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಏಕ ಸದಸ್ಯ ಪೀಠವು ನೀಡಿದ್ದ ಆದೇಶಕ್ಕೆ ತಡೆಯಾಜ್ಞೆ ನೀಡಿ, ಮರುವಿಚಾರಣೆ ಜರುಗಿಸುವಂತೆ

		ದಿನಾಂಕ: 20-07-2020 ರಂದು ಏಕ ಸದಸ್ಯ ಪೀಠಕ್ಕೆ ನಿರ್ದೇಶಿಸಿರುತ್ತದೆ. ಮೇಲಿನ ರಿಟ್ ಅಪೀಲು ಸಂ.286/2020 ರಲ್ಲಿನ ನಿರ್ದೇಶನದಂತೆ ಮಾನ್ಯ ಏಕ ಸದಸ್ಯ ಪೀಠವು ಮತ್ತೊಮ್ಮೆ ವಿಚಾರಣೆಯನ್ನು ಜರುಗಿಸಿ, ದಿನಾಂಕ:05-03-2017 ರಂದು ಜರುಗಿರುವ ಚುನಾವಣೆಯು ಅಸಿಂಧು ಎಂದು ರದ್ದುಪಡಿಸಿ, **ಆಡಳಿತಾಧಿಕಾರಿಯವರು (ಉಪ ನಿಬಂಧಕರು, 2ನೇ ವಲಯ) ಕೂಡಲೇ ಪ್ರಭಾರವನ್ನು ವಹಿಸಿಕೊಳ್ಳುವಂತೆ ದಿನಾಂಕ: 15-10-2020** ರಂದು ಆದೇಶಿಸಿರುತ್ತದೆ. ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಯವರು ದಿ:15-10-2020 ರ ಆದೇಶವನ್ನು ಪ್ರಶ್ನಿಸಿ ರಿಟ್ ಅಪೀಲು ಸಂ. 518/2020 ನ್ನು ದಾಖಲಿಸಿದ್ದು, ರಿಟ್ ಅಪೀಲಿನಲ್ಲಿ ಮಾನ್ಯ ಉಚ್ಛ ನ್ಯಾಯಾಲಯದ ಏಕ ಸದಸ್ಯ ಪೀಠವು ಮೇಲೆ ನೀಡಿದ ಆದೇಶಕ್ಕೆ ದಿನಾಂಕ:23-10-2020 ರಂದು ತಡೆಯಾಜ್ಞೆ ನೀಡಿರುತ್ತದೆ. ಸದರಿ ರಿಟ್ ಅಪೀಲಿನ ವಿಚಾರಣೆಯು ಚಾಲ್ತಿಯಲ್ಲಿದ್ದು, ಸದರಿ ತಡೆಯಾಜ್ಞೆ ತೆರವುಗೊಳಿಸುವಂತೆ, ಸಹಕಾರ ಸಂಘಗಳ ಉಪ ನಿಬಂಧಕರು, 2ನೇ ವಲಯ, ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ಇವರು ದಿ:30-11-2020 ರಂದು ಕಂಡಿಕೆವಾರು ಷರಾ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಪ್ರಸ್ತುತ ಏಕ ಸದಸ್ಯ ಪೀಠದ ಆದೇಶಕ್ಕೆ ರಿಟ್ ಅಪೀಲು ಸಂಖ್ಯೆ: 518/2020 ರಲ್ಲಿ ತಡೆಯಾಜ್ಞೆ ಇರುವುದರಿಂದ ದಿನಾಂಕ:05-03-2017 ರಲ್ಲಿ ಚುನಾಯಿತರಾಗಿದ್ದಾರೆ ಎನ್ನುವ ಆಡಳತ ಮಂಡಳಿಯೇ ಮುಂದುವರೆದಿರುತ್ತದೆ.

ಸಿಒ 32 ಸಿಎಸ್ಆರ್ 2021

(ಎಸ್.ಟಿ.ಸೋಮಶೇಖರ್)
ಸಹಕಾರ ಸಚಿವರು

Form No. 14]

[DUPLICATE FOR THE FILE.]

By Regd Post

ಅನುಬಂಧ-1

Certificate of Registration.

S. No. 82/1964-65
Bangalore.

I hereby certify that the KUMBARARA SANGHA BANGALURU

is this day registered under the Mysore Societies Registration Act, 1960 (Mysore Act No. 17 of 1960).

Fee paid, Rupees Fifty only

Given under my hand at Bangalore, the 14TH day of OCTOBER One Thousand Nine Hundred and Sixty Four

Despatched 21 OCT 1964

14/10/64

For Registrar of Societies in Mysore.

14/10

Certificate received by Sri C. P. Muniyappa
Secretary
Kumbarara Sangha Bangaluru
Sri Anjaneyaswamy Temple
Kumbarpet, Bangalore-2

Dated.

REGISTRAR OF SOCIETIES

WD 0/1151-GPB-500-6-63

ಅನುಬಂಧ-೨

COPY OF LEASE DEED OF KUMBARARA SANGHA HOSTEL SITE AT NEW KALASIPALYAM LAYOUT DIVISION NO.39, BANGALORE

THIS DEED OF LEASE is executed on the 27th days of March 1974 between Kumbararu Sangha having its office at Sri Anjaneya Swamy Temple, Kumbarapet, Bangalore-560002. represented by its President Shri B.V. Ramachandrappa, hereinafter called the Lessee which term shall mean and include his successors in office and assigns on the one part and the Corporation of the City of Bangalore represented by its Deputy Commissioner(Administration) Sri B.H. Hanumantha Raju K.A.S., hereinafter called the Lessor which term shall mean and include his assigns and successors in office on the other part on the terms and conditions hereinafter mentioned:

1. At the request of the Lessee, the Lessor granted the lease of land measuring $\frac{50' + 180'}{2} \times \frac{200' + 180'}{2}$ (2437.7 Square Yards) marked in the plan appended to this agreement, situated in New Kalasipalyam Layout, Division No.39. Bangalore more fully described in the schedule hereunder, on an annual rent of Rs.40/- (Rupees Forty only) for a period of 99 years (Ninety nine) commencing from the date of handing over possession. The said lease has been approved by the Government of Karnataka vide Government Order No.HMA 162 MNG 73 dated 19-2-1974. as resolved by the Corporation of the City of Bangalore in their meetings held on 28.4.1972 and 25.8.1972 vide subject Nos. 23 and 12 respectively for construction of a Hostel Building.

2. That the lease shall be deemed to have been commenced from the date of execution of the lease agreement and shall be for a period of ninety nine years on an yearly amount of Rs.40/- (Rupees. Forty only)

3. That the Lessee has deposited a sum of Rs.120/- (Rupees hundred twenty only vide challan No.170 dated 27.2.1974 in Canara Bank receiving Counter, City Corporation office (with the Lessee) as earnest money deposit and further paid a sum of Rs.40/- (Rupees forty only) vide receipt No.1051 dated 27.2.1974 being the o year lease amount as advance.

4. That the Lessee had undertaken to pay the lease amount every year in advance.

5. That the Lessee shall have the Worshipful Mayor of the Corporation of the City of Bangalore as ex-officio member of the Sangha during the lease period.

6. That the Lessee shall use the schedule site only for the purpose for which it has been granted and should not be used for any other purpose.

7. That the lessee shall obtain building licence from the Corporation Engineer before construction of any kind of building.

8. That the Lessee has agreed to start construction of the building within a period of three years from the date of execution of this deed. It is further agreed that the Lessor shall be entitled to revoke the lease and to resume the possession of the schedule land, if the construction is not started within the said period of three years notwithstanding the lease period of ninety nine years.

9. That the Lessee shall not be entitled to sublet the schedule land.

.....3

10. That the Lessee has agreed to put the Lessor in possession of the schedule property immediately after the expiry of the period of lease isover and if the lessee fails to deliver possession the lessor shall have the liberty to enter upon the premises and to take possession of the same without recourse to a court of law.

11. That the Lessee further agrees that the super structure, buildings or appurtenance etc., constructed there on will vest in the Corporation, after the expiry of the period of lease free from all encumbrances and the lessee shall not have any right, title or interest on any of the structures [illegible] on the [illegible] land.

12. On breach of any of the covenants, the lessor shall have the rights to revoke the lease and to resume possession of the schedule premises with proper notice to the lessee not withstanding the unexpired period of lease.

S C H E D U L E (Plan attached)

All the piece and parcel of the Corporation land measuring [illegible] 60') x 200 [illegible] 100 [illegible] (2,[illegible]47.7 square yards) situated in New [illegible] [illegible] 59, bounded as follows:-

[illegible] Existing Road.
West by [illegible] Road.
[illegible] Road
[illegible] Road.

In witness where of the parties have set their hands on the days, month, and the year first above written.

WITNESSES:

1) [illegible]

2) [illegible]

LESSEE.

LESSOR

[illegible] No. [illegible] Page [illegible]

Date [illegible]

[illegible]

ಚುನಾವಣಾಧಿಕಾರಿ, ಕುಂಬಾರರ ಸಂಘ(ರಿ), ನಂ.13, ಕಲಾಸಿ ಪಾಳ್ಯಂ ಹೊಸ ಬಡಾವಣೆ,
ಬೆಂಗಳೂರು-560 002 ಇವರ ನಡವಳಿಗಳು

ದಿನಾಂಕ: 05-03-2017

ಅನುಬಂಧ-3

ಪ್ರಕಟಣೆ

ಕುಂಬಾರರ ಸಂಘ(ರಿ), ನಂ.13, ಕಲಾಸಿ ಪಾಳ್ಯಂ ಹೊಸ ಬಡಾವಣೆ, ಬೆಂಗಳೂರು-560 002 ಇವರ ಐದು ವರ್ಷಗಳ ಅವಧಿಗೆ ಚುನಾವಣಾ ದಿನಾಂಕದಿಂದ 5 ವರ್ಷಗಳ ಅವಧಿಗೆ ದಿನಾಂಕ 05-03-2017 ರಂದು ನಡೆದ ಆಡಳಿತ ಮಂಡಳಿ ಸದಸ್ಯರ ಚುನಾವಣೆಯಲ್ಲಿ ಸ್ಪರ್ಧಿಸಿದ್ದ ಅಭ್ಯರ್ಥಿಗಳ ಪೈಕಿ ಈ ಕೆಳಕಂಡ ಅಭ್ಯರ್ಥಿಗಳು ಅವರ ಹೆಸರಿನ ಮುಂದೆ ಸೂಚಿಸಿರುವ ಅಧಿಕ ಮತಗಳನ್ನು ಪಡೆದು ಸದರಿ ಸಂಘದ ನಿರ್ದೇಶಕರಾಗಿ 5 (ಐದು) ವರ್ಷಗಳ ಅವಧಿಗೆ ಚುನಾಯಿತರಾಗಿದ್ದಾರೆಂದು ಹಾಗೂ ಅವಿರೋಧವಾಗಿ ಆಯ್ಕೆಯಾದವರು 5 ವರ್ಷಗಳ ಅವಧಿಗೆ ನಿರ್ದೇಶಕರಾಗಿರುತ್ತಾರೆಂದು ಚುನಾವಣಾಧಿಕಾರಿ ಎ.ಸಿ.ನಂಜಾರೆಡ್ಡಿ ಆದ ನಾನು ಈ ಮೂಲಕ ಘೋಷಿಸಿರುತ್ತೇನೆ

ಕ್ರಮ ಸಂಖ್ಯೆ	ಅಧಿಕ ಮತಗಳನ್ನು ಗಳಿಸಿ ಆಯ್ಕೆಯಾದ ಆಡಳಿತ ಮಂಡಳಿ ಸದಸ್ಯರು	ಗಳಿಸಿದ ಮತಗಳು
1	ಮುನಿಸ್ವಾಮಿ.ಕೆ	857
2	ಗೋವಿಂದ್.ಎಸ್	835
3	ನಾಗರಾಜು.ಎಸ್.ಕೆ	818
4	ನಾಗೇಶ್.ಎನ್	816
5	ರಾಮಪ್ಪ.ಜಿ	793
6	ಚಂದ್ರಶೇಖರ್.ಆರ್	766
7	ಶ್ರೀಕಂಠ	766
8	ರಮೇಶ್	759
9	ಮುನಿರಾಜ್ ಕೆ.	756
10	ಶಿವಕುಮಾರ್.ಎ	737
11	ಮುನಿರಾಜು.ಪಿ	727
12	ರಾಜು ಬಿ.ಎನ್	718
13	ಮಹೇಶ್.ಜಿ	657
14	ನಾಗರಾಜು.ಡಿ	571
15	ನಂದಿನಿ.ಎಸ್	ಅವಿರೋಧವಾಗಿ ಆಯ್ಕೆಯಾಗಿದ್ದಾರೆ

A. C. N———

(ಎ.ಸಿ.ನಂಜಾರೆಡ್ಡಿ)
ಚುನಾವಣಾಧಿಕಾರಿ, ಕುಂಬಾರರ ಸಂಘ(ರಿ), ನಂ.13, ಕಲಾಸಿ ಪಾಳ್ಯಂ ಹೊಸ
ಬಡಾವಣೆ, ಬೆಂಗಳೂರು-560 002

(4)

11974/...
M. Jai Prakash Reddy

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

WRIT APPEAL NO. 518 / 2020 (GM-KSR)

ಅನುಬಂಧ-4

Appellants

1 SRI. MUNISWAMY.K.
S/O LATE KRISHNAPPA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 52 YEARS
R/O NO.2708,
7^{TH} 'A' MAIN ROAD, RPC LAYOUT
VIJAYANAGAR 2^{ND} STAGE
BENGALURU-560 040.

2 SRI. S.K.NAGARAJU
S/O KONDAPPA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 53 YEARS
R/O NO.288/A, 2^{ND} FLOOR
GURURAJA LAYOUT, VIDYAPEETA
MAIN ROAD, BANASHANKARI 1^{ST}
STAGE, BENGALURU-560 085.

3 SRI. G.RAMAPPA
S/O GOVINDAPPA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 59 YEARS
R/O NO.642, PUTTAPPANA GUDI
BEEDI, CHANNARAYAPATNA ROAD
DEVANAHALLI TOWN-562 110.
BENGALURU RURAL DISTRICT.

4 SMT. NANDINI.S
W/O SATISH
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 32 YEARS
R/O NO.115/B, 2^{ND} CROSS
2^{ND} MAIN, BAPUJINAGARA
BENGALURU-560 026.

5 SRI. RAMESH
S/O RAMASHETTY
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 40 YEARS
R/O NO.3, 15/1, GANGAMMA
TEMPLE ROAD, VIDYAPEETA
MAIN ROAD, BANASHANKARI 1^{ST}
STAGE, BENGALURU-560 091.

By Sri.M.Jai Prakash Reddy, Advocate for Appellants

Vs

Contd....

Respondents

1 THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
M S BUILDING, DR. AMBEDKAR
VEEDHI, BENGALURU-560 001.
BY ITS SECRETARY.

2 THE REGISTRAR OF SOCIETIES
AND DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES
BENGALURU URBAN DISTRICT
ZONE-II, NO.146 SAHAKARA SOUDHA
3RD MAIN ROAD, 8TH CROSS
MARGOSA ROAD, MALLESHWARAM
BENGALURU-560 003.

3 THE ADMINISTRATOR KUMBARARA
SANGHA AND REGISTRAR OF SOCIETIES
ZONE II, BENGALURU URBAN DISTRICT
NO.146, SAHAKARA SOUDHA
3RD MAIN ROAD, 8TH CROSS
MARGOSA ROAD, MALLESHWARAM
BENGALURU-560 003.

4 SRI. S GOVINDA
S/O SHRIRAMAPPA
DIRECTOR KUMBARA SANGHA
AGED ABOUT 45 YEARS
R/O NO.5, 12TH 'B' CROSS
AGRAHARADASARAHALLI, MAGADI ROAD
BENGALURU-560 079.

5 SRI. NAGESH N
S/O NANJUNDASHETTY
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 40 YEARS
R/O NO.15, MALE MAHADESHWARA NILAYA
4TH CROSS, 4TH MAIN ROAD
BASAVESHWARA LAYOUT, NAGASHETTYHALLI
BENGALURU-560 094.

6 SRI. SRIKANTHA
S/O MADA SHETTY
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 42 YEARS
R/O BEHIND SIDDAMALLAPPA COMPLEX
AMRUTHAHALLI MAIN ROAD
YELAHANKA ROAD, BYATARAYANAPURA
BENGALURU-560 092.

Contd....

7 SRI. B N RAJU
S/O NARAYANAPPA
DIRECTOR KUMBARA SANGHA
AGED ABOUT 52 YEARS
R/O NO.26,
SHRI MUNIVENKATESHWARA NILAYA
4TH CROSS, 3RD MAIN ROAD
MALLESHPALYA
BENGALURU-560 075.

8 SRI. CHANDRASHEKAR R
S/O RAMAIAH
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 34 YEARS
R/O NO.95, 7TH CROSS,
1ST MAIN ROAD, DODDANNA LAYOUT
ANDRAHALLI, BENGALURU-560 091.

9 SRI. K MUNIRAJU S
S/O KRISHNAPPA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 42 YEARS
R/O NO.135, KUMBARA BEEDI
MARASANDRA, BENGALURU NORTH TALUK
BENGALURU-560 063.

10 SRI. A SHIVA KUMAR
S/O D K AMARENDRA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 31 YEARS
R/O NO.24/1, 2ND MAIN ROAD
3RD CROSS, AZADNAGARA
CHAMARAJAPETE
BENGALURU-560 018.

11 SRI. P MUNIRAJU @ BABU
S/O S K PILAPPA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 37 YEARS
R/O NO.230/A, 2ND MAIN
2ND CROSS, MARUTHINAGARA
BAPUJINAGARA, BENGALURU-560 026.

12 SRI. B G MAHESH
S/O D K GOPAL
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 41 YEARS
R/O NO.515, 5TH MAIN ROAD
BYATARAYANAPURA NEW LAYOUT
AVALAHALLI, BENGALURU-560 026.

HIGH COURT OF KARNATAKA

Contd...

13 SRI. D NAGARAJU
S/O DASAPPA
DIRECTOR OF KUMBARA SANGHA
AGED ABOUT 48 YEARS
R/O NO.22, NAGAMMA NILAYA
7TH MAIN ROAD, SRICHAKRANAGARA
ANDRAHALLI, BENGALURU-560 091.

14 KUMBARA SANGHA (R)
NO.13, KALASIPALYAM NEW
EXTENSION, BENGALURU-560 002
BY ITS SECRETARY.

15 SRI. A C NANJA REDDY
ELECTION OFFICER
NO.13, KALASIPALYA NEW
EXTENSION, BENGALURU-560 002.

16 R SRINIVAS
S/O P RAMIAH
AGED ABOUT 61 YEARS
R/O NO.9, 1ST 'A' MAIN ROAD
5TH CROSS, MARUTHINAGAR
NAGARABHAVI MAIN ROAD
BENGALURU-560 072.

17 S NAGARAJU
S/O LATE SHAMAIAH
AGED ABOUT 64 YEARS
R/O NO.205/B, 1ST 'A' MAIN
BAPUJINAGARA, MYSURU ROAD
BENGALURU-560 026.

18 M N JAYAKUMAR
S/O NARAYANASWAMY
AGED ABOUT 44 YEARS
R/O NO.44, MUTHUKADAHALLI
JALA HOBLI, BENGALURU NORTH
TALUK, BENGALURU-562 157.

19 MUNISWAMY WODEYAR
S/O SHANKARAPPA WODEYAR
AGED ABOUT 51 YEARS
R/O NO.123/24, 5TH CROSS
AGRAHARA LAYOUT, JAKKUR POST
YELAHANKA HOBLI, BENGALURU-560 064.

(VCO dated 23.10.2020, AGA accepts notice for R1 & R2
Sri.D.R.Ravishankar & Sarvana.S, Advocates for C/R18 & C/R19)

TO:

RESPONDENT NOS.3 TO 17

Contd....

WHEREAS a Writ Appeal filed by the above named Appellant under Section 4 of Karnataka High Court Act 1961, praying to set aside the order dated 15.10.2020 passed in W.P.No.12131/2019 as in the copy annexed hereunto, has been registered by this Court.

Notice is hereby given to you to appear in this Court in person or through an advocate or through someone duly authorised by law to act for you in this case within 10 days after receipt of this notice to show cause why the appeal should not be admitted. If you fail so to appear, on the said date or any subsequent date to which the matter may be posted as directed by the Court without any further Notice, the Appeal will be dealt with heard and decided in your absence.

I.A.NO.1/2020 FOR STAY

The Advocate for appellants has filed the above I.A. under Order 41 Rule 5 r/w Section 151 of CPC, praying that this Hon'ble Court may be pleased to stay the execution and operation of the order dated 15.10.2020 in W.P.No.12131/2019 passed by learned Single Judge of this Hon'ble Court and all further proceedings thereof, for the reasons stated therein.

After hearing, the Court made the following Order:-

INTERIM ORDER

Pending admission of the aforesaid Writ Appeal it is ordered by the Hon'ble Division Bench on TUESDAY THE 23RD DAY OF OCTOBER 2020

PRESENTS

The Hon'ble Mrs. Justice B.V.NAGARATHNA

AND

The Hon'ble Mr. Justice N.S.SANJAY GOWDA

ORDER

Learned Senior Counsel appearing for the appellant submits that learned counsel for caveators/respondent Nos.18 & 19 has been served with a copy of the memorandum of appeal and the same is also acknowledged.

Heard.

Issue notice to the respondents.

Contd....

Learned Additional Government Advocate accepts notice for respondent Nos.1 and 2.

Learned counsel, Sri D.R.Ravi Shankar, who has filed caveat for respondent Nos.18 and 19, accepts notice for respondent Nos.18 and 19.

Learned senior counsel appearing for the appellants contended that learned single Judge has not ventured to answer the question as to whether the administrator had, indeed, taken charge on 01/02/2017, while considering the validity of the elections held on 05/03/2017. He further submitted that the endorsement dated 23/02/2019 at Annexure - C was issued having regard to the election that took place on 05/03/2017 and the Board of Directors have functioned since then and therefore, in a writ petition filed by the respondent/petitioners, the validity of the calendar of events dated 28/01/2017 and election held on 05/03/2017 would not call for interference when the writ petition itself was not maintainable. Therefore, the impugned direction may be stayed in this appeal.

Per contra, learned counsel for the caveator/respondent Nos.18 and 19 drew our attention to the order of the Division Bench dated 20/07/2020, passed in W.A.No.286/2020 and emphasized the fact that the Division Bench had directed the learned single Judge to consider the validity or otherwise of the election that took place on 05/03/2017 and that is exactly what the learned single Judge has proceeded to do and has passed the impugned order which is just and correct.

Be that as it may, the question that ought to have been considered by the learned single Judge while considering the validity or otherwise of the election that took place on 05/03/2017 was, as to, whether, the said election had taken place after the assumption of charge by the Administrator or he had not really assumed charge and therefore, there was no impediment for the election to be held on 05/03/2017. It is also noted by the impugned order learned single Judge has directed the Administrator to assume charge of the affairs of the society and has directed the Board of Directors to handover charge.

Contd....

In the circumstances, we think it necessary that the appeal would call for consideration. Hence, the impugned order is stayed until further orders.

Liberty is granted to the respondents to move the matter.

SD/-
JUDGE

SD/-
JUDGE

HIGH COURT OF KARNATAKA BANGALORE

"C O P Y"

27/10/2020

Assistant Registrar

(D)Date:27.10.2020(1+15+2)@ 27/10/2020

27/10/2020

Free legal aid will be provided to SC/ST, Women, Child, Convicted/Prisoners, Industrial workmen, Mentally ill, Disabled etc., and also whose annual income is less than Rs.1,00,000/- The eligible persons may contact the Member Secretary, High Court Legal Services Committee or District Legal Services Authority or Taluk Legal Services Committee.

Email:bangaloremediationcentre@gmail.com
www.bangaloremediationcentre.kar.nic.in

Phone:080-22954656
Fax no:22954657

BANGALORE MEDIATION CENTRE
(An initiative of High Court of Karnataka)
"NYAYADEGULA" H.Siddaiah Road, Bengaluru-560 027

QUICK SETTLEMENT OF DISPUTES IN (BENGALURU) MEDIATION CENTRE

Dispute concerning Family/Property/Other Matters referred to, by the Courts to Bangalore Mediation Centre/Mediation Centres in the concerned Districts, will be mediated effectively and legally by trained Mediators within 60/90 days and settled as per terms agreed to by both the parties voluntarily. Litigant public could seek reference by the concerned Court for mediation of their disputes. If the settlement is in accordance with law, the referral court would draw decree, which becomes final and there would be no appeal there from.

Note: This is for information only.

Sd/-
Director
BMC

TRUE COPY

Section Officer
High Court of Karnataka
Bengaluru - 560 001

a) The date on which the application was made 21/10/20
b) The date on which charges and addl. charges if any are called for
c) The date on which the charges and addl. charges if any are deposited 27/10/20
d) The date on which the copy is ready
e) The date of notifying that the copy is ready for delivery 27/10/20
f) The date on which copy is delivered to the applicant 27/10/20

BEFORE THE HIGH COURT OF KARNATAKA
AT BENGALURU

W.A.NO.518/2020 ಅನುಬಂಧ-5

BETWEEN :

MUNISWAMY.K &
OTHERS. ... **APPELLANTS**

AND :

STATE AND OTHERS. ... **RESPONDENTS**

DRAFT PARAWISE REMARKS OF THE RESPONDENT NO.2 DEPUTY REGISTRAR OF CO.OPERATIVE SOCIETIES, BENGALURU CITY DISTRICT-2.

The above named respondent submits as follows:-

1. It is submitted that the appellants have filed the above Writ Appeal, questioning the order dated 15/10/2020 in Writ Petition No.12131 of 2019 passed by the learned single Judge of this Hon'ble Court.

2. It is submitted that the prayer of the appellants is to set aside the order dated 15/10/2020 in Writ Petition No.12131 of 2019 passed by the learned single Judge of this Hon'ble Court and dismiss the writ petition No.12131 of 2019 on the file of the learned single Judge of this Hon'ble Court.

3. It is submitted that the learned single Judge of this Hon'ble Court has passed the order in Writ Petition No.12131 of 2019 filed by one Sri R.Srinivas and others, as against State of Karnataka and others, as follows:

ORDER

i) *Writ issues to quash the election proceedings dated 05.03.2017 conducted by the 5th respondent.*

ii) *Consequently, the list of elected members notified on 05.03.2017 at Annexure-B, is quashed and set aside.*

iii) *The endorsement dated 23.02.2019 at Annexure-C, issued by the Deputy Registrar of Co.operative Societies to the extent the Board of Directors elected on 05.03.2017 were permitted to conduct the affairs of the Society and hold elections, is also quashed and set aside.*

iv) *The Registrar shall immediately appoint an election officer to hold elections to the Board of Directors and the elections shall be held as expeditiously as possible, but not later than 25th of November,2020.*

v) *The third respondent-Administrator shall take charge of the affairs of the respondent-Society and the Board of Directors shall handover charge to the Administrator forthwith. The Administrator shall take care of the affairs of the Society till the new Board of Directors is constituted in accordance with the directions issued by this Court.*

It is ordered accordingly.

4. It is submitted that prima-facie there is a rivalry between the Appellants and the respondents No.4 to 18 in the

functioning of the Kumbarara Sangha and an account of which there were frequent clash between themselves to gain post and position in the said Sangha. It is on record that the controversy in the affairs of the Sangha is going on from the year 2011 and there is no amicable understanding between them. Considering all these facts and circumstances, a proposal has been submitted to the Government with a request to invoke Section 27-A of the Karnataka Societies Registration Act 1960. Accordingly, the Administrator has been appointed to set right the anomalies in the affairs of the said Sangha. Further, considering all these controversies between the appellants and the respondents the learned single Judge of this Hon'ble Court has rightly passed an order directing the Registrar to appoint an Election Officer to hold election to the Board of Directors and elections shall be held as expeditiously as possible but not later than 25th of November 2020 and the Administrator shall take charge of the affairs of the respondent Society and the Board of Directors shall hand over charge to the Administrator forthwith is a justifiable order which cannot be interfered by this Hon'ble Appellate Court. Hence the Writ Appeal of the appellants is not maintainable either in law or on facts and the Writ Appeal is liable to be dismissed.

5. Without prejudice to the above contentions, this respondent submits parawise remarks as follows:-

Para No.	**Remarks**
1 to 3	Are for office purpose.
4	The averments made in this para may be true.

5	The averments made in this para that the learned single Judge has now by order dated 15/10/2020 has disposed the writ petition setting aside the election held on 5/3/2017 and directed the Administrator to assume charge and directed the respondent No.2 to conduct the election before 25/11/2020 which is a justifiable order. If this order is implemented, no hardship or prejudice would be caused to the appellants. The appellants have not approached this Hon'ble Appellate Court with clean hands and therefore the Writ Appeal is liable to be dismissed.
	GROUNDS
6 & 7	The averments made in this para have no effect by the order passed on 15/10/2020.
8	The averments made in this para are not correct. As per the provisions of Section 11(2) of the Act provides that the Registrar may, for any special reason, extend the time of Annual General Meeting of the Society within 18 months of its registration.
9	The averments made at this para are not sustainable in view of the speaking order passed by the learned single Judge on 15/10/2020.
10	The averments made at this para are not sustainable in view of the speaking order passed by the learned single Judge.
11	The averments made at para 11 are false. In fact, the provision of Section 27-A is very clear that the Registrar or otherwise, an enquiry, the

	State Government considers it necessary in public interest so to do, the State Government may, by order appoint an Administrator for such Society for such period, not exceeding six months as may be specified in the order, to manage the affairs of the Society
12	That the averments made in this para are not sustainable.
13	That the averments made at para 13 are not applicable, in view of the order passed by the learned single Judge on 15/10/2020.
14	That the averments made at para 14 are not applicable, in view of the order passed by the learned single Judge on 15/10/2020.
15	That the averments made at para 15 are not applicable, in view of the order passed by the learned single Judge on 15/10/2020.
16	That the averments made at para 16 are untenable and the same is futile exercise on the part of the appellants.

PRAYER

WHEREFORE, the above named respondent No.2 District Registrar, most respectfully prays that this Appellate Court may be pleased to consider the facts and circumstances narrated above and dismiss the Writ Appeal of the Appellants to meet the ends of justice and equity.

Place : Bengaluru.
Date : 30-11-2020.

RESPONDENT NO.2

③

③

19002/2022

Sri D R Ravishankar
ಅನುಬಂಧ-6

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE R. DEVDAS

WRIT PETITION NO.12131 OF 2019 (GM-KSR)

BETWEEN

1. R SRINIVAS
   S/O P RAMAIAH
   AGED ABOUT 60 YEARS
   R/A NO.9, 1ST A MAIN
   5TH CROSS, MARUTHI NAGAR
   NAGARABHAVI MAIN ROAD
   BENGALURU-560072

2. S NAGARAJ
   S/O LATE SHAMAIAH
   AGED ABOUT 63 YEARS
   R/A NO.205/B
   1ST A MAIN, BAPUJI NAGAR
   MYSORE ROAD
   BENGALURU-560026

3. M N JAYAKUMAR
   S/O NARAYANASWAMY
   AGED ABOUT 43 YEARS
   R/A NO.44
   MUTHUKADAHALLI
   JALA HOBLI
   BENGALURU NORTH TALUK
   BENGALURU-562157

4. MUNISWAMY WODEYAR
   S/O SHANKARAPPA WODEYAR
   AGED ABOUT 50 YEARS
   R/A NO.123/24

5TH CROSS, AGRAHARA LAYOUT
JAKKUR POST
YELAHANKA HOBLI
BENGALURU-560064

...PETITIONERS

(BY SRI D R RAVISHANKAR, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
DEPARTMENT OF COOPERATION
M S BUILDINGS
DR AMBEDKAR VEEDHI
BENGALURU-560001
REPRESENTED BY ITS SECRETARY

2. THE REGISTRAR OF SOCIETIES AND
DEPUTY REGISTRAR
OF COOPERATIVE SOCIETIES
BENGALURU URBAN DISTRICT
ZONE II
NO.146, SAHAKARA SOUDHA
3RD MAIN ROAD
8TH CROSS, MARGOSA ROAD
MALLESWARAM
BENGALURU-560033

3. THE ADMINISTRATOR KUMBARARA
SANGHA AND REGISTRAR OF
SOCIETIES-ZONE II
BENGALURU URBAN DISTRICT
NO.146, SAHAKARA SOUDA
3RD MAIN ROAD, 8TH CROSS
MARGOSA ROAD
MALLESWARAM
BENGALURU-560033

4. KUMARARA SANGHA(R)
NO.13 KALASIPALYAM
NEW EXTENSION
BENGALURU-560002
REPRESENTED BY ITS SECRETARY

5 . SRI A C NANJAREDDY
ELECTION OFFICER
NO.13, KALASIPALYAM
NEW EXTENSION
BENGALURU-560002

6 . MUNISWAMY K
S/O LATE. KRISHNAPPA
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 50 YEARS,
R/AT: NO.2708,
7TH 'A', MAIN ROAD,
RPC LAYOUT, VIJAYA NAGAR,
2ND STAGE, BENGALURU-560 040.

7 . SRI S.K. NAGARAJ
S/O KONDAPPA,
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 51 YEARS,
R/AT: NO.288/A, 2ND FLOOR,
GURURAJA LAYOUT,
VIDYAPITA MAIN ROAD,
BANASHANKARI I STAGE,
BENGALURU-560 085.
DIRECTOR OF KUMBARA SANGAH.

8 . SRI G RAMAPPA
S/O GOVINDAPPA,
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 59 YEARS,
R/AT: NO.642,
PUTTAPPANA GUDI BEEDI,
CHANNARAYANA PATTANA ROAD,
DEVENAHALLI TOWN-562 110.
BENGALURU RURAL DISTRICT.

9 . SRI S GOVIND
S/O SHRIRAMAPPA
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 43 YEARS,
R/AT: NO.5, 12TH 'B' CROSS,
AGRAHARADASRAHALLI,

MAGADI ROAD,
BENGALURU-560 079.

10. SMT NANDINI S
W/O SATISH,
DIRECTOR OF KUMBARA SANGAH,
R/AT: NO.115/B, 2ND CROSS,
2ND MAIN, BABUJI NAGARA,
BENGALURU-560 026.

11. SRI NAGESH N
S/O NANJUNDA SHETTY
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 39 YEARS,
R/AT NO.15,
MALEMAHADESHWARA NILAYA,
4TH CROSS, 4TH MAIN ROAD,
BASAVESHWARA LAYOUT,
NAGASHETTIHALLI,
BENGALURU- 560094

12. SRI RAMESH
S/O RAMASHETTY
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 39 YEARS,
R/AT: NO.3, 15/1,
GANGAMMA TEMPLE ROAD,
VIDYAPITA MAIN ROAD,
BANASHANKARI 1ST STAGE,
BENGALURU- 560050.

13. SRI CHANDRA SHEKAR R
S/O RAMAIAH
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 33 YEARS,
R/AT NO.95, 7TH CROSS,
1ST MAIN ROAD,
DODDANNA LAYOUT,
ANDRAHALLI,
BENGALURU- 560091.

14. SRI SRIKANTA
S/O MADA SHETTY

DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 41 YEARS,
R/AT: BEHIND SIDDAMALLAPPA
COMPLEX, AMBRUTHAHALLI
MAIN ROAD,
YELAHANKA POST,
BYATARAYANA PURA,
BENGALURU- 560092.

15. SRI K MUNIRAJU
S/O KRISHNAPPA,
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 41 YEARS,
R/AT: NO.135, KUMBARA BEEDI,
MARASANDRA,
BENGALURU NORTH TALUK,
BENGALURU – 560063.

16. SRI A SHIV KUMAR
S/O D. K AMARENDRA
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 29 YEARS,
R/AT: NO.24/1, 2ND MAIN ROAD,
3RD CROSS, AZAAD NAGARA
CHAMARAJAPETE
BENGALURU – 560018.

17. SRI P MUNIRAJU @ BABU
S/O S K PILLAPPA
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 36 YEARS,
R/AT: NO.230/A, 2ND MAIN ,
2ND CROSS, MARUTHI NAGAR
BABUJI NAGARA
BENGALURU 560 026.

18. SRI B N RAJU
S/O NARAYANAPPA
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 50 YEARS,
R/AT: NO.26,
SHRI MUNIVENKATESHWARA
NILAYA, 4TH CROSS,

3RD MAIN ROAD, MALLESHA PALYA,
BENGALURU 560075.

19. SRI B G MAHESH
S/O D K GOPAL
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 39 YEARS,
R/AT: NO.515, 5TH MAIN ROAD,
BYATARAYANAPURA,
NEW LAYOUT, AVALAHALLI,
BENGALURU- 560026.

20. SRI D NAGARAJU
S/O DASAPPA
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 47 YEARS,
R/AT:No.22, NIGAMA NILAYA,
7TH MAIN ROAD,
SRICHAKRANAGARA, ANDRAHALLI,
BENGALURU – 560091.

...RESPONDENTS

(BY SRI SRIDHAR N HEGDE, HCGP FOR R1 TO R3;
SRI AMRUTHESH N P, ADVOCATE FOR R4;
SRI JAI PRAKASH REDDY M, ADVOCATE FOR R6, R8, R10 TO R12, R16; SRI H C SHIVARAMU, ADVOCATE FOR R9, R13, R14, R15, R17, R18, R19, R20;
SRI RAMACHANDRA R NAIK, ADVOCATE FOR R11;
R7 SERVED; NOTICE NOT ORDERED IN R/O R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH CALENDAR OF EVENTS DATED 28.01.2017 AND TO QUASH THE ELECTION PROCEEDINGS DATED 05.03.2017 CONDUCTED BY THE R-5 AS PER ANNEXURE-A AND B. FURTHER TO QUASH ORDER/ENDORSEMENT DATED 23.02.2019 PASSED BY THE R-2 AS PER ANNEXURE-C AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 23.09.2020 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THIS COURT MADE THE FOLLOWING:

ORDER

The *lis* brought before this Court was regarding the holding of election and appointment of managing committee for the 4th respondent-Kumbarara Sangha. This matter was disposed of by order dated 11.03.2020. However, the matter was taken up on appeal in W.A.No.286/2020 and by order dated 20.07.2020 the Hon'ble Division Bench has remanded the matter for considering the issue of legality and validity of the election held on 05.03.2017.

2. The chronology of events is required to be narrated in order to understand the controversy. On 19.09.2011, election was held to the Board of Directors. As per the Bye-laws of the Society, the term of the elected Board of Directors is five years. However, the State Government appointed an administrator to take care of the affairs of the Society on 17.10.2014. The appointment of the administrator was challenged by the then Directors in W.P.Nos.50210/2014 and

50212/2014. This Court on noticing that no enquiry was held as contemplated under Section 27-A(c) of the Karnataka Societies Registration Act, 1960 (hereinafter referred to as 'the Act', for short) and therefore, set aside the order of appointment of administrator, by order dated 08.12.2014. Consequently, an enquiry seems to have been held. It was noticed that the previous election for the Board of Directors was held on 19.09.2011 and the five years term came to an end on 18.09.2016. Consequently, an administrator was appointed by order dated 27.01.2017, in terms of Section 27-A(1)(b) of the Act for a period of six months, to enable the administrator to hold election after setting right the irregularities found in the Society. The order of appointment of administrator was once again challenged in W.P.Nos.4975-4977/2017. An interim order dated 03.02.2017 came to be passed staying the appointment of administrator while observing that there

Government in W.P.Nos.4975-77/2017 on 26.10.2017 clearly stating that the administrator was appointed on 27.01.2017; he has taken charge on 01.02.2017 and immediately thereafter the Administrator has passed an order canceling the Calendar of Events on 03.02.2017. It was also stated that even before the interim order was passed on 3.02.2017, the Administrator has taken charge on 01.02.2017 itself. It is submitted that the Administrator who was assigned the task of setting right the irregularities and holding elections, initiated proceedings under Section 25 of the Act. It is interesting to note that Sri K.Muniswamy, the 6th respondent herein and the then President of the Society had filed W.P.No.1836/2019 calling in question the resolution dated 04.10.2018 passed by the Board of Directors removing Sri K.Muniswamy from the presidentship and in his place appointing Sri S.Govinda as the President of the Society. It is noticeable that on 28.01.2019 a submission was made on behalf of the petitioner Sri

K.Muniswamy that an enquiry was initiated under Section 25 of the Act and the Deputy Registrar of Co-operative Societies had heard the arguments, but had not passed any orders. Therefore, it was submitted that the writ petition could be disposed of with a direction to the Deputy Registrar to pass orders on the enquiry initiated under Section 25 of the Act. This court disposed of the writ petition on 28.01.2019 recording the submission of the learned counsel for the petitioner (Sri.K.Muniswamy), directing the Deputy Registrar to pass orders on the enquiry within a period of two weeks from the date of receipt of a certified copy of the order.

6. A few days subsequently, on 01.02.2019 a memo was filed by the petitioners in W.P.Nos.4975-4977/2017 seeking leave of the Court to withdraw the petitions. Accordingly, the writ petitions were dismissed. Immediately thereafter some of the members of the society including some of the petitioners herein wrote to the concerned Minister, Under Secretary to

Government, Registrar of Co-operative Society, and the Administrator bringing to their notice the turn of events and the withdrawal of W.P.Nos.4975-4977/2017 and therefore requested for holding of fresh elections. In the meanwhile, the Deputy Registrar of Co-operative Societies issued an endorsement dated 23.02.2019.

7. It would be relevant to notice that while issuing the endorsement dated 23.02.2019, the Deputy Registrar has taken into consideration the claim made by Sri.S.Mahesh, Sri. Govinda, Sri.Chandrashekar, Sri.Shivakumar as against the counter claim made by Sri.K.Muniswamy and held that the resolution dated 01.10.2018 declaring "No-confidence" against Sri.K.Muniswamy is contrary to the provisions of the Act and Bye-laws. Consequently, it was directed that the Board of Directors elected on 05.03.2017 was entitled to hold office and call for a meeting to elect a fresh Board of Directors.

8. Nevertheless, since no fresh elections were held to the Board of Directors, the petitioners have filed this writ petition to declare that the Calendar of Events dated 28.01.2017 and the elections proceedings dated 05.03.2017 are illegal and consequently, to quash the endorsement dated 23.02.2019 at Annexure-C, issued by the Deputy Registrar of Co-operative Societies.

9. Learned counsel for the petitioner submits that the Hon'ble Division Bench has noticed the contentions raised by the petitioners that the appointment of election officer was cancelled by the Administrator by order dated 03.02.2017 and therefore the elections held on 05.03.2017 is purportedly *void ab inito*. Secondly the Registrar of Co-operative Societies had no authority to go into genuineness of the election held on 05.03.2017 as the election was not approved by the State Government. Thirdly, election was not conduced as per the Bye-laws of the society and prior to the election there was no public notice and all the voters of the

society were not notified. Learned counsel for the petitioner draws the attention of this Court to Section 11 of the Act to contend that the law governing the holding of general meeting and conduct of elections for the managing committee provides that the annual general meeting is required to be held within 9 months after the expiry of each year. If the annual general meeting is not held within the stipulated time, the Registrar is empowered to extend the time, not exceeding 6 months. It is submitted that the second proviso to sub-section (2) of section 11 makes it clear that not more than eighteen months shall elapse between the date of one annual general meeting and that of the next. It is therefore submitted that unless permission is sought and given by the Registrar extending the time for holding annual general meeting, the previous managing committee cannot hold elections.

10. Per contra, Learned counsel Sri.N.P. Amruthesh, appearing for respondent No.4 Society

submits that the writ petition is not maintainable in view of the fact that very same prayer for declaring the Calendar of Events and elections as null and void was made by the petitioners in W.P.Nos.5633-5635/2017. The learned counsel further submits that the State Government has not placed on record any material to show that the appointment of the Administrator was extended from time to time, every six months as required under the proviso to sub-clause(c) of sub-section (1) of Section 27A of the Act.

11. Learned counsel Sri.H.C.Shivaramu, appearing for respondents No.9, 13, 14, 15, 17, 18, 19 and 20 submits that the writ petition is not maintainable as submitted by learned counsel Sri.N.P.Amruthesh.

12. Learned counsel Sri.Jaiprakash Reddy, appearing on behalf of respondents No.6, 8, 10 & 12 has filed statement of objections on 01.09.2020 raising several grounds for dismissal of the writ petition. It is

contended that the conduct of elections or a challenge to elections cannot be considered in a writ petition, while the aggrieved parties are required to approach the civil court. It is disputed that the Administrator took charge on 01.02.2017. It is contended that the managing committee has operated the bank accounts even after the alleged date of the Administrator assuming charge. It is contended that the elections held on 05.03.2017 was in accordance with the provisions of the Act and Bye-laws. It is contended that the State Government did not extend the term of appointment of Administrator from time to time as required under law. It is contended that the Deputy Registrar has approved the list of elected members by order of acceptance dated 26.11.2019. It is contended that when the Administrator tried to take charge on 01.02.2017, the respondents resisted and therefore the Administrator has given a false complaint to the Police. Though sufficient opportunity was given, the learned

counsel Sri.Jaiprakash Reddy, has not made his submissions. Therefore, this Court had no other option than to go ahead while hearing all other learned counsels and considering the objections filed by the learned counsel on behalf of respondents No.6, 8, 10 and 12.

13. Heard the learned counsels and perused the writ petition papers.

14. What is required to be decided is whether the election held on 15.03.2017 is valid or invalid. As noticed in the beginning, this petition is taken up for reconsideration on remand made by the Hon'ble Division Bench. All other submissions of the learned Counsels touching upon the maintainability of the writ petition; that the list of elected members was approved; that the appointment of Administrator was not extended etc., are not germane. As could be seen from the chronology of events, elections for the Board of Directors was held on 19.09.2011. As per the bye-laws of the

society, the term of office of the Board of Directors is five years. Therefore, the term of the Board of Directors installed on 19.09.2011 came to an end on 18.09.2016. Sub-Section(1) of Section 11 provides that every society registered under the Act shall hold every year a General meeting called the Annual General Meeting. The next Annual General meeting of the Society shall be held within 9 months after the expiry of each year. If, for any reason, the Annual General Meeting is not held within the stipulated period, as per the proviso to sub-section (2) of Section 11, the Registrar may, for any special reason, extend the time within which an Annual General Meeting shall be held, by a further period not exceeding 6 months.

15. No material is placed on record to show that the Registrar extended the time to conduct the Annual General Meeting after the term of the previous body came to an end on 18.09.2016. On the contrary, an Administrator came to be appointed in terms of Section

27A by the State Government, by order dated 27.01.2017. Writ Petition Nos.4975-4977/2017 were filed by some of the Directors calling in question the appointment of the Administrator. An interim order dated 03.02.2017 was passed by this Court staying the appointment of the Administrator subject to the condition that the Administrator has not yet assumed charge. Material has been placed before this Court to show that the Administrator had taken charge on 01.02.2017, which is also evidenced by a communication dated 01.02.2017 at Annexure-F, made by the Administrator to the Under Secretary to Government, Department of Co-operation. The Administrator after assuming charge, communicated on 03.02.2017 to Sri. A.C.Nanja Reddy, the 5th respondent herein, who was appointed as an Election Officer at the behest of the Board of Directors, that he had assumed charge on 01.02.2017 and thereafter, cancelled the Calendar of Events which was issued by the Election

Officer. Despite the same, the Annual General Meeting was held and the election to the Board of Directors was held on 05.03.2017.

16. In the considered opinion of this Court, the election held on 05.03.2017 is invalid for more than one reason. Firstly, there was no order of extension passed by the Registrar permitting the previous Board to conduct the Annual General Meeting or to hold elections, in terms of the proviso to sub-section (2) of Section 11 of the Act. Secondly, the 5th respondent Election Officer could not have proceeded to hold elections since the Administrator had cancelled the Calendar of Events on 03.02.2017 and such a communication was made by the Administrator to the Election Officer. The Election Officer cannot contend that the appointment of Administrator was stayed by an order of this Court, since the communication of cancellation of the Calendar of Events was made to the Election Officer on 03.02.2017 and it was also informed

to the Election Officer that the Administrator had taken charge on 01.02.2017. The Election Officer should have been aware of the fact that when this Court passed the interim order of stay on 03.02.2017, it was made clear that the interim order was granted and would be operational only if the Administrator had not assumed charge already. Thirdly, after the expiry of the term of the Board, it ceases to exit and such non-existent Board cannot call for Annual General Meeting or hold elections.

17. In the opinion of this Court, all other issues including the approval of the list of elected members in terms of the election dated 05.03.2017 pales into insignificance in view of the declaration that the election dated 05.03.2017 is void *ab initio*. Consequently, this Court proceeds to pass the following:

ORDER

i) Writ issues to quash the election proceedings dated 05.03.2017 conducted by the 5th respondent.

ii) Consequently, the list of elected members notified on 05.03.2017 at Annexure-B, is quashed and set aside.

iii) The endorsement dated 23.02.2019 at Annexure-C, issued by the Deputy Registrar of Co-operative Societies to the extent the Board of Directors elected on 05.03.2017 were permitted to conduct the affairs of the society and hold elections, is also quashed and set aside.

iv) The Registrar shall immediately appoint an election officer to hold elections to the Board of Directors and the elections shall be held as expeditiously as possible, but not later than 25th of November, 2020.

v) The third respondent-Administrator shall take charge of the affairs of the respondent-Society and the Board of

Directors shall handover charge to the Administrator forthwith. The Administrator shall take care of the affairs of the Society till the new Board of Directors is constituted in accordance with the directions issued by this Court.

It is ordered accordingly.

Sd/-
JUDGE

DL/KLY

HIGH COURT OF KARNATAKA
BENGALURU

TRUE COPY
19/10/2020
Section Officer
High Court of Karnataka
Bengaluru - 560 001

a) The date on which the application was made 16/10/2020
b) The date on which charges and additional Charges if any are called for 16/10/2020
c) The dated on which charges and additional Charges if any are deposited/Paid 17/10/2020
d) The date on which the copy is ready 19/10/2020
e) The date of notifying that the copy is ready for delivery 19/10/2020
f) The date on which the applicant is required to appear on or before 22/10/2020
g) The date on which the copy is delivered to the Applicant 21/10/2020
h) Examined by

ಅನುಬಂಧ - 7

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2020

BEFORE

THE HON'BLE MR.JUSTICE R DEVDAS

WRIT PETITION NO.12131 OF 2019 (GM-KSR)

BETWEEN

1. R SRINIVAS
S/O P RAMAIAH
AGED ABOUT 60 YEARS
R/A NO.9, 1ST A MAIN
5TH CROSS, MARUTHI NAGAR
NAGARABHAVI MAIN ROAD
BENGALURU-560072

2. S NAGARAJ
S/O LATE SHAMAIAH
AGED ABOUT 63 YEARS
R/A NO.205/B. 1ST A MAIN,
BAPUJI NAGAR, MYSORE ROAD
BENGALURU-560026

3. M N JAYAKUMAR
S/O NARAYANASWAMY
AGED ABOUT 43 YEARS
R/A NO.44, MUTHUKADAHALLI
JALA HOBLI
BENGALURU NORTH TALUK
BENGALURU-562157

4. MUNISWAMY WODEYAR
S/O SHANKARAPPA WODEYAR
AGED ABOUT 50 YEARS
R/A NO.123/24
5TH CROSS, AGRAHARA LAYOUT
JAKKUR POST, YELAHANKA HOBLI
BENGALURU-560064

...PETITIONERS

(BY SRI D R RAVISHANKAR, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
DEPARTMENT OF COOPERATION
M S BUILDINGS
DR AMBEDKAR VEEDHI
BENGALURU-560001
REPRESENTED BY ITS SECRETARY

2. THE REGISTRAR OF SOCIETIES
AND DEPUTY REGISTRAR
OF COOPERATIVE SOCIETIES
BENGALURU URBAN DISTRICT
ZONE II, NO.146, SAHAKARA SOUDHA
3RD MAIN ROAD
8TH CROSS, MARGOSA ROAD
MALLESWARAM
BENGALURU-560033

3. THE ADMINISTRATOR KUMBARARA SANGHA
AND REGISTRAR OF SOCIETIES-ZONE II
BENGALURU URBAN DISTRICT
NO.146, SAHAKARA SOUDA
3RD MAIN ROAD, 8TH CROSS
MARGOSA ROAD, MALLESWARAM
BENGALURU-560033

4. KUMARA SANGHA(R)
NO.13 KALASIPALYAM NEW EXTENSION
BENGALURU-560002
REPRESENTED BY ITS SECRETARY

5. SRI A C NANJAREDDY
ELECTION OFFICER
NO.13, KALASIPALYAM NEW EXTENSION
BENGALURU-560002

6. MUNISWAMY K
S/O LATE. KRISHNAPPA
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 50 YEARS,
R/AT: NO.2708, 7TH 'A', MAIN ROAD,
RPC LAYOUT, VIJAYA NAGAR,
2ND STAGE,
BENGALURU-560 040.

7. SRI S.K. NAGARAJ
S/O KONDAPPA,

DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 51 YEARS
R/AT: NO.288/A, 2ND FLOOR,
GURURAJA LAYOUT,
VIDYAPITA MAIN ROAD,
BANASHANKARI I STAGE,
BENGALURU-560 085.
DIRECTOR OF KUMBARA SANGAH

8. SRI G RAMAPPPA
S/O GOVINDAPPA,
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 59 YEARS
R/AT: NO.642, PUTTAPPANA GUDI BEEDI,
CHANNARAYANA PATTANA ROAD,
DEVENAHALLI TOWN-562 110.
BENGALURU RURAL DISTRICT 562110

9. SRI S GOVIND
S/O SHRIRAMAPPA
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 43 YEARS,
R/AT: NO.5, 12TH 'B' CROSS,
AGRAHARADASRAHALLI,
MAGADI ROAD,
BENGALURU-560 079

10. SMT NANDINI S
W/O SATISH,
DIRECTOR OF KUMBARA SANGAH,
AGED ABOUT 31 YEARS,
R/AT: NO.115/B, 2ND CROSS,
2ND MAIN, BABUJI NAGARA,
BENGALURU-560 026

11. SRI NAGESH N
S/O NANJUNDA SHETTY
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 39 YEARS,
R/AT:NO.15, MALEMAHADESHWARA NILAYA,
4TH CROSS, 4TH MAIN ROAD,
BASAVESHWARA LAYOUT,
NAGASHETTIHALLI
BENGALURU -560094.

12. SRI RAMESH
S/O RAMASHETTY
DIRECTOR OF KUMBARA SANGAH

AGED ABOUT 39 YEARS,
R/AT:O.3, 15/1, GANGAMMA TEMPLE ROAD,
VIDYAPITA MAIN ROAD,
BANASHANKARI 1ST STAGE,
BENGALURU -560091.

13. SRI CHANDRA SHEKAR R.
S/O RAMAIAH
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 33 YEARS,
R/AT: NO.95, 7TH CROSS, 1ST MAIN ROAD,
DODDANNA LAYOUT,
ANDRAHALLI,
BENGALURU – 560091.

14. SRI SRIKANTA
S/O MADA SHETTY
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 41 YEARS,
R/AT: BEHIND SIDDAMALLAPPA COMPLEX
AMBRUTHAHALLI MAIN ROAD,
YELAHANKA ROAD,
BYATARAYANA PURA
BENGALURU- 560092.

15. SRI K MUNIRAJU
S/O KRISHNAPPA
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 41 YEARS
R/AT: NO.135, KUMBARA BEEDI,
MARASANDRA,
BENGALURU NORTH TALUK
BENGALURU 560 063.

16. SRI A SHIV KUMAR
S/O D K AMARENDRA
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 29 YEARS,
R/AT: NO.24/1, 2ND MAIN ROAD,
3RD CROSS, AZAAD NAGARA,
CHAMARAJAPETE,
BENGALURU 560 018.

17. SRI P MUNIRAJU @ BABU
S/O S K PILLAPPA
DIRECTOR OF KUMBARA SANGAH
AGED ABOUT 36 YEARS,
R/AT: NO.230/A,

2ND MAIN, 2ND CROSS,
MARUTHI NAGAR
BABUJI NAGARA
BENGALURU- 560026.

18. SRI B N RAJU
S/O NARAYANAPPA
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 50 YEARS,
R/AT:NO.26, SHRI MUNIVENKATESHWARA
NILAYA, 4TH CROSS, 3RD MAIN ROAD,
MALLESHA PALYA
BENGALURU 560075.

19. SRI B G MAHESH
S/O D K GOPAL
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 39 YEARS,
R/AT: NO.515, 5TH MAIN ROAD,
BYATARAYANAPURA , NEW LAYOUT
AVALAHALLI
BENGALURU 560026.

20. SRI D NAGARAJU
S/O DASAPPA
DIRECTOR OF KUMBARA SANGA
AGED ABOUT 47 YEARS,
R/AT: NO.22, NAGAMMA NILAYA
7TH MAIN ROAD, SRICHAKRANAGARA
ANDRAHALLI
BENGALURU – 560091.

...RESPONDENTS

(BY SRI SRIDHAR N HEGDE, HCGP FOR R1 TO R3
SRI AMRUTHESH N P, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH CALNEDAR OF EVENTS DATED 28.01.2017 AND TO QUASH ELECTION PROCEEDINGS DATED 05.03.2017 CONDUCTED BY THE R-5 AS PER ANNEXURE-A AND B. FURTHER TO QUASH/ENDORSEMENT DATED 23.02.2019 PASSED BY THE R-2 AS PER ANNEXURE-C AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R. DEVDAS J., (ORAL):

The petitioners and respondent Nos.5 to 20 are the members of respondent No.4-Kumbarara Sangha (for short, 'Sangha'). The dispute is regarding the holding of election and appointment of the Managing Committee for respondent No.4-Sangha.

2. Sri. D. R. Ravishankar, the learned counsel for the petitioners would submit that in the statement of objections filed by respondent State Government, it has been very clearly stated that the election said to have been conducted on 05.03.2017 has not been approved by the Government. In this regard, the learned counsel for the petitioner draws the attention of this Court to an endorsement dated 02.05.2017 at Annexure-Q, issued by the District Registrar of Co-Operative Societies, wherein the District Registrar has very clearly held that the list of elected members of the Managing Committee which was submitted to

the District Registrar for approval, has been rejected. Further, another endorsement dated 23.02.2019, at Annexure-C, which was also issued by the District Registrar, although states that the members of the Managing Committee elected on 05.03.2017 alone have the right to conduct the affairs of the Sangha, however, it was directed that a new committee requires to be formed and the same shall be subject to final outcome of the W.P.Nos.4975-4977/2017. The learned counsel submits that as on 23.02.2019, when the said order was passed by the District Registrar, W.P.Nos.4975-4977/2017 was already dismissed as withdrawn by an order dated 01.02.2019. The learned counsel therefore submits that in view of all these developments and in view of the fact that the members said to have been elected in the election held on 05.03.2017 was not approved by the competent authority, election is required to be held afresh in order to enable the affairs of the Sangha to be run in accordance with law.

3. The learned counsel for respondent No.4-Sangha submits that in the endorsement dated 23.02.2019 at Annexure-C, the District Registrar has in fact observed that the members elected in the election dated 05.03.2017 alone could conduct the affairs of the Sangha and therefore, the competent authority has recognized the election and therefore the said members elected in the election dated 05.03.2017 should be permitted to proceed in accordance with law. Moreover, it is submitted that the very same petitioners had also approached the State Government regarding the appointment of Administrator and the matter is still pending consideration before the State Government.

4. Learned HCGP, appearing on behalf of the respondent-State Government would submit that the State Government is on record as per the statement of the objections that the list of the members submitted for approval in accordance with law consequent to the election dated 05.03.2017, has

been rejected by the competent authority. Therefore, it is submitted in the facts and circumstances of the case, this Court should direct the District Registrar to hold the election to the Sangha and the same would enable the smooth running of respondent No.4-Sangha.

5. Having heard the learned counsels and on perusing the petition papers, this Court is of the considered opinion that the *lis* brought before this Court could be resolved by directing the competent authority to hold a fresh election for respondent No.4-Sangha. Even more so, because the non-approval of the list of elected members submitted consequent to election held on 05.03.2017 has not been questioned by the aggrieved persons. It is also not known as to how the District Registrar could pass another order contrary to the earlier order.

6. In that view of the matter, this writ petition stands disposed of while directing respondent No.2-The District Registrar of Co-operative Societies to

appoint an Election Officer to conduct the election with respect to respondent No.4-Sagha, within a period of three months from today.

7. It is made clear that the matter pending before the State Government with regard to the appointment of the Administrator shall also be disposed of in view of the disposal of the writ petition and directions issued by this Court. It is ordered accordingly.

sd/-
JUDGE

DL

(2) (2)Sa 14659/2020

4B Sri Jai Prakash Reddy I

Annexure - I

ಅನುಬಂಧ-8

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2020

PRESENT

THE HON'BLE MR. ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT APPEAL NO.286/2020 (GM – KSR)

BETWEEN:

1. SRI. MUNISWAMY K
   SON OF LATE KRISHNAPPA,
   DIRECTOR OF KUMBARA SANGHA,
   AGED ABOUT 52 YEARS,
   RESIDENT OF NO.2708, 7TH "A" MAIN ROAD,
   RPC LAYOUT, VIJAYA NAGAR,
   2ND STAGE, BENGALURU – 560 040.

2. SRI S.K. NAGARAJ
   SON OF KONDAPPA,
   DIRECTOR OF KUMBARA SANGHA,
   AGED ABOUT 53 YEARS,
   RESIDENT OF NO.288/A, 2ND FLOOR,
   GURURAJA LAYOUT, VIDYAPEETA MAIN ROAD,
   BANASHANKARI 1ST STAGE,
   BENGALURU – 560 085.

3. SRI G. RAMAPPA
   SON OF GOVINDAPPA,
   DIRECTOR OF KUMBARA SANGHA,
   AGED ABOUT 59 YEARS,
   RESIDENT OF NO.642, PUTTAPPANA GUDI BEEDI,
   CHANNARAYANA PATANA ROAD,
   DEVENAHALLI TOWN – 562 110.

47

BENGALURU RURAL DISTRICT.

4. SMT. NANDINI S
WIFE OF SATISH,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 32 YEARS,
RESIDENT OF NO.115/B, 2ND CROSS,
2ND MAIN, BAPUJI NAGARA,
BENGALURU – 560 026.

5. SRI. NAGESH N
SON OF NANJUNDASHETTY,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 40 YEARS,
RESIDENT OF. NO. 15,
MALE MAHADESHWARA NILAYA,
4TH CROSS, 4TH MAIN ROAD,
BASAVESHWARA LAYOUT,
NAGASHETTYHALLI,
BENGALURU – 560 094.

6. SRI. RAMESH
SON OF RAMASHETTY,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 40 YEARS,
RESIDENT OF. NO. 315/1,
GANGAMMA TEMPLE ROAD,
VIDYAPEETA MAIN ROAD,
BANASHANKARI 1ST STAGE,
BENGALURU – 560 091.

7. SRI. CHANDRASHEKAR R
SON OF RAMAIAH,
DIRECTOR OF KUMABARA SANGHA,
AGED ABOUT 34 YEARS,
RESIDENT OF NO. 95,
7TH CROSS, 1ST MAIN ROAD,
DODDANNA LAYOUT, ANDRAHALLI,
BENGALURU – 560 091.

8. SRI. K MUNIRAJU
SON OF KRISHNAPPA,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 42 YEARS,

HIGH COURT OF KARNATAKA BENGALURU

RESIDENT OF NO. 135,
KUMBARA BEEDI, MARASANDRA,

BENGALURU NORTH TALUK,
BENGALURU – 560 063.

9. SRI. A. SHIVA KUMAR
SON OF D.K. AMARENDRA,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 31 YEARS,
RESIDENT OF. 24/1,
2^{ND} MAIN ROAD, 3^{RD} CROSS,
AZADNAGARA, CHAMARAJAPETE,
BENGALURU – 560 018.

10. SRI. P MUNIRAJU @ BABU
SON OF S.K.PILAPPA,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 37 YEARS,
RESIDENT OF NO. 230/A,
2^{ND} MAIN, 2^{ND} CROSS,
MARUTHINAGARA,
BAPUJINAGARA,
BENGALURU – 560 026.

11. SRI B.G. MAHESH
SON OF D.K.GOPAL ,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 41 YEARS,
RESIDENT OF NO. 515, 5^{TH} MAIN ROAD,
BYATARAYANAPURA NEW LAYOUT,
AVALAHALLI, BENGALURU – 560 026.

12. SRI D. NAGARAJU
SON OF DASAPPA,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 48 YEARS,
RESIDENT OF NO. 22,
NAGAMMA NILAYA, 7^{TH} MAIN ROAD,
SRICHAKRANAGARA,
ANDRAHALLI, BENGALURU – 560 091.

13. KUMBARA SANGHA (R)
NO. 13, KALASIPALYAM NEW EXTENSION,

EA

BENGALURU – 560 002.
BY ITS SECRETARY.

... APPELLANTS

(BY SRI JAYAKUMAR S. PATIL, SENIOR ADVOCATE
ALONG WITH SRI JAI PRAKASH REDDY M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION,
M.S.BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001
BY ITS SECRETARY.

2. THE REGISTRAR OF SOCIETIES AND
DEPUTY REGISTRAR OF CO-OPERATIVE
SOCIETIES BENGALURU URBAN DISTRICT,
ZONE II NO.146, SAHAKARA SOUDHA,
3RD MAIN ROAD 8TH CROSS, MARGOSA ROAD,
MALLESWARAM, BENGALURU – 560 003.

3. THE ADMINISTRATOR KUMBARARA SANGHA
AND REGISTRAR OF SOCIETIES-ZONE II
BENGALURU URBAN DISTRICT,
NO.146, SAHAKARA SOUDHA,
3RD MAIN ROAD, 8TH CROSS, MARGOSA ROAD,
MALLESWARAM, BENGALURU – 560 003.

4. SRI. S.GOVINDA
SON OF SHRIRAMAPPA,
DIRECTOR KUMBARA SANGHA,
AGED ABOUT 45 YEARS,
RESIDENT OF NO. 5,
12TH B CROSS, AGRAHARADASARAHALLI,
MAGADI ROAD, BENGALURLU – 560 079.

5. SRI. SRIKANTA
SON OF. MADA SHETTY,
DIRECTOR OF KUMBARA SANGHA,
AGED ABOUT 42 YEARS,
RESIDENT OF BEHIND SIDDAMALLAPPA COMPLEX,
AMRUTHAHALLI MAIN ROAD,
YELAHANKA AROAD,
BYATARAYANAPURA,

BENGALURU – 560 092.

6. SRI. B N RAJU
SON OF NARAYANAPPA,
DIRECTOR KUMBARA SANGHA,
AGED ABOUT 52 YEARS,
RESIDENT OF NO. 26,
SHRI. MUNIVENKATESHWARA NILAYA,
4TH CROSS, 3RD MAIN ROAD,
MALLESHPALYA,
BENGALURU – 560 075.

7. SRI. A C NANJA REDDY
ELECTION OFFICER,
NO. 13, KALASIPALYA, NEW EXTENSION,
BENGALURU – 560 002.

8. R. SRINIVAS
SON OF P. RAMAIAH,
AGED ABOUT 61 YEARS,
RESIDENT OF NO. 9,1ST A MAIN ROAD,
5TH CROSS, MAURTHINAGAR,
NAGARABHAVI MAIN ROAD,
BENGALURU – 560 072.

9. S. NAGARAJU
S/O LATE SHAMAIAH,
AGED ABOUT 64 YEARS,
RESIDENT OF NO. 205/B,
1ST A MAIN, BAPUJINAGARA,
MYSURU ROAD, BENGALURU – 560 026.

10. M N JAYAKUMAR
SON OF NARAYANASWAMY,
AGED ABOUT 44 YEARS,
RESIDENT OF. NO. 44,
MUTHUKADAHALLI, JALA HOBLI,
BENGALURUL NORTH TALUK,
BENGALURU – 562 157.

11. MUNISWAMY WODEYAR
SON OF SHANKARAPPA WODEYAR,
AGED ABOUT 51 YEARS,
RESIDENT OF NO.123/24,
5TH CROSS, AGRAHARA LAYOUT,

JAKKURL POST,
YELAHANKA HOBLI,
BENGALURU – 560 064.

... RESPONDENTS

(SRI I.THARANATH POOJARY, ADDITIONAL GOVERNMENT ADVOCATE FOR FIRST TO THIRD RESPONDENTS;
SRI H.C.SHIVARAMU, ADVOCATE FOR FOURTH TO SIXTH RESPONDENTS;
SRI D.R.RAISHANKAR, ADVOCATE FOR EIGHTH AND NINETH RESPONDENTS, CAVEATOR – TENTH RESPONDENT AND ELEVENTH RESPONDENT)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING THIS HON'BLE COURT TO SET ASIDE THE ORDER DATED 11.03.2020 IN WP NO.12131/2019 PASSED BY LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND DISMISS THE WP NO.12131/2019 ON THE FILE OF THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT.

THIS WRIT APPEAL COMING ON FOR ORDERS THROUGH VIDEO CONFERENCE THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

JUDGMENT

Heard the learned Senior Counsel appearing for the appellants, the learned Additional Government Advocate appearing for first to third respondents, the learned counsel appearing for fourth to sixth respondents and the learned counsel appearing for eighth to eleventh respondents. Seventh respondent being the Election Officer is a formal party.

2. The dispute concerns the fourth respondent which is a Society registered under the Karnataka Societies Registration Act, 1960 (for short 'the said Act'). On 27th January 2017, an order

52

was made by the first respondent appointing the second respondent as the Administrator of the fourth respondent in exercise of the power under Section 27A of the said Act. On 28th January 2017, a calendar of events was published by the Administrator for holding the election of the Board of Directors of the said Society. As per the said calendar, election was to be held to elect the Board of Directors for five years on 05th March 2017. It must be noted here that on 23rd February 2019, an order was made by the second respondent which records that the election to be held on 5th March 2017 was subject to the order in writ petition Nos.4975-4977/2017. There are further developments which are relevant and which need to be noted. On 3rd February 2017, writ petition Nos.4975-4977/2017 filed by the present appellants was placed before the learned Single Judge. On that day, notice was issued and an interim order was issued to stay the impugned order of appointment of the Administrator provided, the Administrator has not taken charge. There is a communication issued on 03rd February 2017 by the second respondent informing that he has taken over the charge on 1st February 2017 as the Administrator of the said Society and he stated that the calendar of events declaring that election to be

held on 5th March 2017 stands cancelled. For the sake of completion, we may note here that the said writ petition Nos.4975-4977/2017 was filed by the present appellants challenging the order of appointment of Administrator passed on 27th January 2017 and for issuing a writ of *mandamus* for holding the election in terms of calendar of events published on 28th January 2017. The said writ petition was withdrawn under the order dated 01st February 2019 by the appellants. At this stage we may also refer to one more writ petition filed in this Court which is writ petition Nos.5633-5635/2017. The said writ petition was filed by eighth to tenth respondents and on 07th February 2017, the learned Single Judge passed the order in the said writ petition recording that the election if any, held pursuant to the notification dated 28th January 2017, will be subject to the result of the writ petition. The said writ petition was disposed of by the learned Single Judge by the order dated 1st February 2018, recording that taking into consideration the nature of writ petition, there is no need to keep the petition pending as the contentions which were raised by the petitioners could be adjudicated in writ petition Nos.4975-4977/2017 and writ petition Nos.57967-57970/2016.

54

3. There is one more event which is relevant to be noticed, before we come to the impugned order. It is about the endorsement dated 2nd May 2017 which has reference to the letter dated 16th March 2017 submitted by the Secretary of the said Society in accordance with Section 13 of the said Act. The Deputy Registrar of the Co-operative Society by the said endorsement dated 02nd May 2017 held that the appointment of the Election Officer has been cancelled and the issue regarding appointment of the Administrator of the said Society was pending before the Court. The Deputy Registrar also referred to FIR registered. Therefore, the Deputy Registrar observed that at that stage, there was no provision for according approval to the list of executive committee.

4. The impugned order has been passed by the learned Single Judge on a petition filed by eighth to eleventh respondents. The first challenge in the writ petition filed by the said respondents was to the calendar of events dated 28th January 2017. In fact, a prayer was made for quashing firstly, the calendar of events dated 28th January 2017, secondly, the election proceedings dated 05th March 2017 and thirdly, the endorsement dated 23rd February

55

2019. The learned Single Judge by the impugned judgment and order dated 11th March 2020 held that the *lis* brought before the Court can be resolved by directing the competent authority to hold a fresh election of the said Society (fourth respondent). Secondly, he observed that it is necessary to direct holding of a fresh election because of the non-approval of the list of elected members submitted consequent to election held on 05th March 2017. He observed that the said non-approval has not been questioned by the aggrieved persons. Therefore, the learned Single Judge proceeded to direct the second respondent to appoint an Election Officer to conduct the election in respect to the fourth respondent within a period of three months.

5. The learned Senior Counsel appearing for the appellants submitted that the prayer in the writ petition filed by the eighth to eleventh respondents was for quashing the election proceedings dated 05th March 2017 and the learned Single Judge without quashing the election held on 05th March 2017 erroneously directed holding of a fresh election. He submitted that even the endorsement dated 23rd February 2019 directing holding of the election was not set aside by the learned Single Judge. He

submitted that there is an endorsement dated 12th October 2019 which can be termed as approval of the election dated 5th March 2017.

6. The learned counsel appearing for eighth to eleventh respondents as well as the learned counsel appearing for fourth to sixth respondents supported the impugned order. Firstly, it is submitted that on 5th March 2017 when the alleged election was held the Administrator was already in charge as he had taken over the charge on 1st February 2017. Their contention is that the Administrator by an order dated 3rd February 2017 had even cancelled the appointment of the Election Officer for holding the election on 05th March 2017. They pointed out that the appointment of the Administrator was stayed by the learned Single Judge on 3rd February 2017 by clearly observing that the stay will operate only if the Administrator had not taken over the charge. It is submitted that as the Administrator had taken over the charge, there was no question of holding election on 5th March 2017 as the appointment of the Election Officer was cancelled by the Administrator. They also pointed out that writ petition Nos.4975-4977/2017 filed by the present appellants was

57

withdrawn on 01st February 2019 though there was a specific challenge to the order appointing the Administrator. They urged that the order of appointment of the Administrator was extended and in fact was in force on 1st February 2019, when the petition was withdrawn. Our attention was invited to the provision in Section 13 of the said Act. It was submitted that by a specific order, the Deputy Registrar did not accept the return filed by the elected body on the basis of the election held on 5th March 2017 on the ground that election could not have been held. They invited our attention to the endorsement dated 2nd May 2017.

7. We have given careful consideration to the submissions and perused the prayers made in the writ petition filed by eighth to eleventh respondents. The specific challenge in the writ petition was to the election held on 5th March 2017, which was conducted by the fifth respondent in the writ petition who was appointed as the Election Officer. Perusal of the petition and the grounds therein will show that a contention was specifically raised in the writ petition that the appointment of the Election Officer was cancelled by the Administrator on 3rd February 2017 and therefore, the election purportedly held was *void ab initio*. Second

ground was that, the second respondent in the writ petition had no authority to go into the genuineness of the election held on 05th March 2017 as the election was not approved by the State Government. Third challenge was on the ground that the election was not conducted as per the bye-laws of the Society and prior to the election, there was no public notice and all the voters of the Society were not notified. It was also contended that appointment of the Administrator was in force when the election was conducted.

8. Now coming to the impugned order, from paragraph 2, it appears that one of the contentions raised by the learned counsel appearing for eighth to eleventh respondents was that the election held on 5th March 2017 was not approved by the competent authority. The same was the contention raised by the High Court Government Pleader. The reasons recorded by the learned Single Judge while passing the impugned order are only in paragraph 5. The directions issued by the learned Single Judge are in paragraph 6. For the sake of convenience, we are reproducing paragraphs 5 and 6 of the impugned order, which read thus:

"5. Having heard the learned counsels and on perusing the petition papers, this Court is of the considered opinion that the lis brought before this Court could be resolved by directing the competent authority to hold a fresh election for respondent No.4 - Sangha. Even more so, because the non-approval of the list of elected members submitted consequent to election held on 05.03.2017 has not been questioned by the aggrieved persons. It is also not known as to how the District Registrar could pass another order contrary to the earlier order.

6. In that view of the matter, this writ petition stands disposed of while directing respondent No.2 - The District Registrar of Co-operative Societies to appoint an Election Officer to conduct the election with respect to respondent No.4 - Sangha, within a period of three months from today."

(Underline supplied)

9. As can be seen from paragraph 5, the first reason recorded by the learned Single Judge was that *lis* brought before the Court could be resolved by directing the competent authority to hold a fresh election. With greatest respect to the learned Single Judge, this approach may not be correct. The learned

Single Judge was called upon to decide the issue of legality and validity of the election held on 05th March 2017. Without going into the issue of the validity of the election and without recording a finding regarding any illegality associated with the election, the learned Single Judge could not have directed holding of a fresh election. The only other ground recorded in paragraph 5 is that the non-approval of the list of elected members submitted consequent to election held on 05th March 2017, has not been questioned by the aggrieved persons. About the subsequent order conveying approval on which the reliance is placed by the appellants, the learned Single Judge has observed that it is also not known as to how the Registrar could pass another order contrary to the earlier order. Thus, the learned Single Judge relied upon the order made by the Deputy Registrar on the basis of the return submitted under Section 13 of the said Act. The order of the Deputy Registrar is of 2nd May 2017.

10. We have perused Section 13 of the said Act. Section 13 of the said Act contemplates filing of balance sheet and annual list of governing body with the Registrar within the time frame provided therein. On the face of the Section, it is apparent that it

68

does not confer a power on the Deputy Registrar to hold an inquiry on the issue of legality and validity of the elections. There is no power conferred on the Registrar under Section 13 of the said Act to decide on the basis of the list of governing body, whether the governing body was lawfully elected. Therefore, the learned Single Judge could not have read the endorsement dated 2nd May 2017 issued by the Deputy Registrar as an order of adjudication upon the legality and validity of the election held on 5th March 2017. Notwithstanding the said endorsement, even the eighth to eleventh respondents filed the writ petition before the learned Single Judge questioning the validity of the election held on 5th March 2017. If according to the case of the eighth to eleventh respondents, the said endorsement constituted an adjudication on the issue of the legality and validity of the election held on 05th March 2017, there was no occasion for them to file the writ petition.

11. The real issue before the learned Single Judge was whether the election held on 05th March 2017 was legal and valid. We may note here that the appointment of the Administrator was challenged by the present appellants by filing a writ petition in

which interim order was passed on 03rd February 2017 granting stay to the appointment of the Administrator provided that Administrator had not taken over the charge. The letter dated 03rd February 2017 addressed by the Administrator to the Election Officer records that he had taken over charge on 01st February 2017. By the said letter, he purported to cancel the appointment of the Election Officer. In fact, in the writ petition filed by the eighth to eleventh respondents, a specific ground has been taken that when the election was held on 05th March 2017, the appointment of the Election Officer was already cancelled. They relied upon the said letter dated 3rd February 2017 addressed by the Administrator.

12. Therefore, it was necessary for the learned Single Judge to have gone into the question whether on 3rd February 2017 when interim order was passed, the Administrator had already assumed the charge. If it was established that the Administrator had assumed charge prior to the passing of the interim order dated 03rd February 2017, then the Administrator could have passed the order dated 3rd February 2017 cancelling the appointment of the Election Officer. But if the Administrator

had not be taken charge before the interim order was passed on 3rd February 2017, the Administrator could not have cancelled the appointment of the Election Officer as well as the schedule of the election. This very relevant issue is not gone into by the learned Single Judge at all. Even otherwise, the challenge to the validity of the election held on 05th March 2017 was not decided by the impugned order.

13. As stated earlier, the learned Single Judge was impressed by the non-approval of the list by the Deputy Registrar and secondly, he was of the view that appropriate way of deciding the *lis* was to order holding of a fresh election. As held by us earlier, the so called non-approval under Section 13 of the said Act cannot be termed as an adjudication on the legality and validity of the election held on 05th March 2017. When there was a specific challenge to the legality and validity of the election held on 5th March 2017, without dealing with the issue of legality and validity, the learned Single Judge could not have directed holding of a fresh election. The said order could have been justified provided the learned Single Judge had recorded a clear finding about the illegality of the election held on 5th march 2017.

14. Therefore, the real issue which arose before the learned Single Judge was not addressed. The adjudication on the real issue regarding legality and validity of the election held on 5th March 2017 will require consideration of certain factual aspects which are borne out from the record. We have no option but to set aside the impugned order and direct the learned Single Judge to consider the writ petition afresh by deciding the issue of legality and validity of the election held on 5th March 2017. If we decide this issue for the first time in an appeal, right to appeal of one of the two parties will be affected.

15. Therefore, we pass the following order:

ORDER

a. The impugned order dated 11th March 2020 is hereby set aside and writ petition No.12131/2019 is remanded to the learned Single Judge;

b. Considering the fact that election is of the year 2017 which is under challenge, we request the learned Single Judge to give necessary priority for disposal of the writ petition;

65

c. We grant liberty to the parties to move the Court for fixing a date of hearing in the writ petition after the present lock down is withdrawn;

d. We make it clear that except for the findings which we have recorded in this judgment and order, all issues concerning the legality and validity of the election held on 05th March 2017 are expressly kept open to be decided by the learned Single Judge;

e. The appeal is partly allowed with the above terms;

f. The pending applications do not survive and the same are disposed of.

HIGH COURT OF KARNATAKA
BENGALURU

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

nvj/Sn

a) The date on which the application was made 23/7/2020
b) The date on which charges and additional Charges if any, are called for 23/7/2020
c) The dated on which charges and additional Charges, if any are deposited/Paid....28/7/2020
d) The date on which the copy is ready....29/7/2020
e) The date of notifying that the copy is ready For delivery 29/7/2020
f) The date on which the applicant is required to appear on or before 1/8/2020
g) The date on which the copy is delivered to the Applicant 30/7/20
h) Examined by ....

'TRUE COPY'
G.S. Vijayalakshmi 23/7/2020
Section Officer,
High Court of Karnataka
Bangalore -560 001